

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

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|------------------------|---|--------------------------|
| MARIO O. RICHARDSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 2:21-cv-2392-SHM-tmp |
| |) | |
| SHELBY COUNTY, ET AL., |) | |
| |) | |
| Defendants. |) | |
| |) | |

**ORDER DISMISSING COMPLAINT WITH PREJUDICE;
CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH;
NOTIFYING PLAINTIFF OF THE APPELLATE FILING FEE;
NOTIFYING PLAINTIFF OF THE COURT’S STRIKE RECOMMENDATION UNDER
28 U.S.C. § 1915(g); AND CLOSING CASE**

On June 10, 2021, Plaintiff Mario O. Richardson filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 and a motion for leave to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) When Richardson filed his complaint, he was incarcerated at the Shelby County Criminal Justice Center (“the SCCJC”), in Memphis, Tennessee.¹ (ECF No. 1 PageID 2.) The Court granted leave to proceed *in forma pauperis* and assessed the civil filing fee pursuant to the Prison Litigation Reform Act (“the PLRA”), 28 U.S.C. §§ 1915, et seq. (ECF No. 4.) The Court warned that “[i]f Plaintiff is transferred to a different prison or released, he is ORDERED to notify the Court immediately, in writing, of his change of address.” (*Id.* at PageID 18.)

¹ A search of the Tennessee Department of Correction (“TDOC”) Felony Offender Information website reveals that Richardson is currently incarcerated at the Northeast Correctional Complex in Mountain City, Tennessee. (See https://foil.app.tn.gov/foil/search_additional.jsp (TDOC ID 631994) (last accessed July 22, 2024).)

On May 24, 2024, the Court dismissed the complaint without prejudice for failure to state a claim, and granted Richardson leave to amend the complaint within 21 days. (ECF No. 5 (the “Screening Order”).) The Screening Order warned that “[i]f Richardson fails to amend the complaint in a timely manner, the Court will dismiss this case and enter judgment.” (*Id.* at PageID 24.)

The Screening Order was inadvertently mailed to Richardson’s old address at the SCCJC and was returned as undeliverable. (*See* ECF No. 6.) The Clerk mailed the Screening Order to Richardson’s current address on June 25, 2024, and it has not been returned as undeliverable.

Richardson’s deadline to amend expired on Tuesday, July 16, 2024. Richardson failed to timely file an amended complaint or to seek an extension of time to amend.

For these reasons, and for the reasons discussed in the Screening Order, the Court DISMISSES this case WITH PREJUDICE in its entirety. The Court recommends that this dismissal be treated as a strike pursuant to 28 U.S.C. § 1915(g). *See Simons v. Washington*, 996 F.3d 350, 353 (6th Cir. 2021); (*see also* ECF No. 5 at PageID 24 (warning Richardson that if he failed to amend his claims in a timely manner, the Court would dismiss the case, enter judgment, and recommend that the dismissal be treated as a strike under § 1915(g)).)

Judgment will be entered in accordance with the Screening Order.

Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is CERTIFIED that any appeal in this matter by Richardson would not be taken in good faith. If Richardson nevertheless chooses to file a notice of appeal, he must either: (1) pay the entire \$605 appellate filing fee or, if he is confined at that time, (2) submit a new *in forma pauperis* affidavit and a current, certified copy of his inmate trust account statement for the last six months, in compliance with 28 U.S.C. § 1915(a)-(b).

IT IS SO ORDERED, this 23rd day of July, 2024.

/s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE